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EXAMINER	
NGUYEN, QUANG N	

ART UNIT	PAPER NUMBER
2141	/

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/523,853	Applicant(s) PARTOVI ET AL.	
	Examiner Quang N. Nguyen	Art Unit 2141	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: please see attachment.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 20060118
13. ☐ Other: _____.

Detailed Action

1. This Office Action is in response to the After Final Request for Reconsideration filed on 08/21/2006. Claims 26-52 remain pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 01/18/2006 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Albal et al. (US 2003/0147518 A1), hereinafter "Albal".

5. As to claim 26, **Albal** teaches a method performed by a voice portal, comprising:

receiving a call from a caller, where the call includes identifying information *(the communication node 212 receives a call from a caller using home phone, work phone or cellular phone including the caller number)* **(Albal, paragraph [0048])**;

identifying a first voice character, based on the identifying information, to be used by the voice portal when audibly interacting with the caller *(through the use of automatic number identification "ANI" or caller line identification "CLI", the communication 212 can automatically identify the user; after the communication node 212 verifies the call, the communication node 212 provides a greeting to the user "Hi, this is your personal agent, Maya, Welcome Bob. How may I help you?" via one of various dialog voice personalities, i.e., interacting with the caller via a first voice character)* **(Albal, paragraphs [0047-0048])**;

detecting a speaking voice associated with the caller through the voice portal interaction with the caller *(the automatic speech recognition unit "ASR" 254 processes the speech inputs from the user to determine/identify the user speech pattern)* **(Albal, paragraph [0066])**;

identifying a second voice character based on the detected speaking voice associated with the caller *(after identifying a selected speech pattern of the speech inputs, the "ASR" unit 254 sends an output signal to implement the specific function associated with the recognized voice pattern **(Albal, paragraph [0066])**; Albal also teaches in response to the audio inputs from the user, i.e., in response to the detected user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can provide various dialog voice personalities and can implement various*

grammars to respond to respond to the audio inputs from the user, i.e., interacting with the caller via a second voice character based on the identified caller's speech pattern) **(Albal, paragraph [0047])**; and

changing from the first voice character to the second voice character when further audibly interacting with the caller *(the application server 242 retrieves the information, processed the retrieved information and provides/outputs the information to the user according to one of various dialog voice personalities selected and provided by the communication node 212 in response to the audio inputs from the user, i.e., outputs the information according to a second voice character based on the identified caller's speech pattern)* **(Albal, paragraphs [0047], [0066] and [0074])**.

6. As to claims 27-29, **Albal** teaches the method of claim 26, further comprising determining a locale associated with the call based on the identifying information; determining the first voice character as a voice character associated with the determined locale; and presenting prompts to the caller based on the determined locale *(analyzed/determined by the used of automatic number identification "ANI" or caller line identification "CLI" and based on the identified country code, area code and prefix that designates a particular geographic location, the caller's telephone number can identify a locale such as a city, state, region, country, and/or a particular place such as a hospital or a nursing home, etc., the communication node 212 can automatically select a voice character from various dialog voice personalities such as a female voice, a male voice, etc., based upon the identified particular geographic location from the caller telephone number, i.e., based upon the identified local to provide an appropriate greeting/prompt*

to the user "Hi, this is your personal agent, Maya, Welcome Bob. How may I help you?") **(Albal, paragraphs [0047-0048])**.

7. As to claim 30, **Albal** teaches the method of claim 26, further comprising determining a type of communication device used by the caller based on the identifying information *(the communication node 212 can automatically identify the user or the type of the user's communication device through the use of Automatic Number Identification "ANI" or Caller Line Identification "CLI")* **(Albal, paragraph [0048])**.

8. As to claim 31, **Albal** teaches the method of claim 30, wherein identifying a first voice character includes determining the first voice character based on the determined type of communication device used by the caller *(the communication node 212 can automatically select a voice character from various dialog voice personalities and/or select various speech recognition models based upon the user's communication device)* **(Albal, paragraphs [0047-0048])**.

9. As to claim 32, **Albal** teaches the method of claim 26, further comprising determining actions of the caller during the voice portal interaction with the caller *(in response to audio inputs from the user, the communication node 212 retrieves information such as emails, web pages, documents, files, etc., from a destination or database of one or more of the information sources and provides a response to the user based on the retrieved information)* **(Albal, paragraphs [0046] and [0063])**.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albal, in view of Ksiazek (US 6,597,765).

12. As to claim 33, **Albal** teaches the method of claim 32, wherein identifying a second voice character includes determining the second voice character based on the detected speaking voice associated with the caller *(based on the user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can provide various dialog voice personalities and can implement various grammars/vocabulary to detect and respond to the audio inputs from the user)*, but does not explicitly teach determining the second voice character based on the determined actions of the caller.

In an analogous art, **Ksiazek** teaches a telecommunications system comprising an originating operator services position system (OSPS), which accesses the ANI database to determine the appropriate assigned operator language services for the telephonic call and also allows the user to selective change the assigned default

language for the telephonic call *(for example, "To change the assigned language for the telephone operator services, please select the language you wish to use. Press *71 for English, press *72 for Spanish, press *73 for French, etc., i.e., determining the voice character based on the determined actions of the caller)* **(Ksiazek, col. 4, lines 3-13)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of **Albal** and **Ksiazek** to include determining the second voice character based on the determined actions of the caller since such methods were conventionally employed in the art to provide multi-language with multiple variations services to the user, to provide a user-friendly environment by using the user-preferred language, speech pattern, intonation, etc., and also to enhance the ability of voice processing system to allow to interact with electronic communications systems in a preferred voice character according to the user's location, identification and/or actions.

13. As to claim 34, **Albal-Ksiazek** teaches the method of claim 26, further comprising permitting the caller to select a third voice character; and changing from the second voice character to the third voice character when further audibly interacting with the caller *(enabling the user to selective change the assigned default language for the telephonic call via the prompt: "To change the assigned language for the telephone operator services, please select the language you wish to use. Press *71 for English, press *72 for Spanish, press *73 for French, etc.," i.e., determining the voice character based on the determined actions of the caller)* **(Ksiazek, col. 4, lines 3-13)**.

14. Claims 35-43 are corresponding system claims of method claims 26-34; therefore, they are rejected under the same rationale.

15. Claims 44-51 contain similar limitations as claims 35-43; therefore, they are rejected under the same rationale.

16. Claim 52 contains similar limitations as claim 26; therefore, it is rejected under the same rationale.

Response to Arguments

17. In the Remarks, Applicants argued in substance that

(**A**) Prior Art does not disclose or suggest, "identifying a second voice character based on a speaking voice detected through the voice portal interaction with the caller", as broadly claimed.

As to point (**A**), **Albal** teaches the "ASR" unit 254 processes the speech inputs from the user to determine the user's speech pattern and when the "ASR" unit 254 identifies a selected speech pattern of the user speech inputs, the "ASR" unit 254 sends an output signal to implement the specific function associated with the recognized voice pattern **(Albal, paragraph [0066])**. Since **Albal** also teaches in response to the audio inputs from the user, i.e., in response to the detected user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can

provide various dialog voice personalities (i.e., a female voice, a male voice, etc.) and can implement various grammars (i.e., vocabulary) to respond to the audio inputs from the user, i.e., *interacting with the caller via a second voice character based on the identified caller's speech pattern)* **(Albal, paragraph [0047])**.

Examiner respectfully submits that one having ordinary skill in the art would have appreciated that the selected speech pattern of the user speech inputs identified by the "ASR" unit 254, i.e., referred as "the detected user's speech pattern", can be used and/or applied (to implement the specific functions associated with the recognized voice pattern) by the communication node 212 to select the appropriate dialog voice personality associated with the identified speech pattern from the user speech inputs.

Hence, Prior Art does disclose or suggest, "identifying a second voice character based on a speaking voice detected through the voice portal interaction with the caller", as broadly claimed.

(**B**) Prior Art does not disclose or suggest, "changing from the first voice character to the second voice character when further audibly interacting with the caller", as broadly claimed.

As to point (**B**), **Albal** teaches through the use of automatic number identification "ANI" or caller line identification "CLI", the communication 212 can automatically identify the user and/or the user's communication device, and selects a voice character from various dialog voice personalities such as a female voice, a male voice, etc., based upon the user telephone number and/or the user's communication device to provide a greeting to the user "Hi, this is your personal agent, Maya, Welcome Bob. How may I

help you?" *(i.e., interacting with the caller in a first voice character based on the caller identity or the caller's communication device when the user first calls in)* **(Albal, paragraphs [0047-0048])**. Then, after receiving and processing the user speech inputs by the "ASR" 254 to determine the user's speech pattern and after retrieving the information, processing the retrieved information by the application server 242, the information is outputted to the user according to one of various dialog voice personalities selected and provided in point (**A**) above by the communication node 212 *(i.e., outputs the information according to a second voice character based on the identified caller's speech pattern)* **(Albal, paragraphs [0066] and [0074])**.

Hence, Prior Art does disclose or suggest, "changing from the first voice character to the second voice character when further audibly interacting with the caller", as broadly claimed.

18. For at least these reasons, Examiner respectfully submits that claim 26 is anticipated by **Albal**. Claims 27-32 depend from claim 26 and are, therefore, also anticipated by **Albal** for at least the reasons given with regard to claim 26.

19. Applicant has had numerous opportunities to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office Action rejections. See In re Prater and Wei, 162 USPQ 541 (CCPA 1969), and MPEP 2111.

20. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art (for example, voice character refers to all aspects of speech pronunciation including dialect, speed, volume, gender of speaker, pitch, language, voice talent used, actor, characteristics of speech, and/or other prosody values as in page 16, lines 21-23 of the specification). In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

21. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

22. Applicant's arguments as well as request for reconsideration filed on 08/21/2006 have been fully considered but they are not deemed to be persuasive.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Q.N.

Quang N. Nguyen
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